

November 28, 2005

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

**Re: VoIP E911 Compliance Report (November 28, 2005)
Fonix Telecom, Inc.; WC Docket No. 05-196**

Dear Ms. Dortch:

Fonix Telecom, Inc. ("Fonix"), through its undersigned counsel and pursuant to Commission Rule 9.5(f), as adopted by the Commission in its *VoIP E911 Order*¹ concerning the enhanced 911 ("E911") service requirements and conditions for interconnected Voice over Internet Protocol ("VoIP") service providers, submits this Compliance Report ("Report") to advise the Commission of the status of Fonix's efforts to comply with the Commission's VoIP E911 Rules.²

Fonix provides a variety of wireline voice and data services over both traditional lines and next-generation networks such as VoIP and Broadband over Power Lines. Fonix's VoIP Service, Fonix Fonesm, is a business-grade service that is hosted on a nationwide network. Fonix Fonesm combines all the features of a traditional voice system – Centrex, PBX, Key or IP-PBX – and delivers them as a hosted business line VoIP service with IP-based management tools accessed via an Internet connected browser.

¹ *IP-Enabled Services, E911 Requirements for IP-Enabled Service Providers*, First Report and Order and Notice of Proposed Rulemaking 20 FCC Rcd. 10245 (2005) ("*VoIP E911 Order*").

² Fonix began offering commercial VoIP services on October 1, 2005, and pursuant to the *VoIP E911 Order*, Fonix obtained affirmative acknowledgment of its 9-1-1 capabilities from 100% of its customers prior to providing service.

November 28, 2005

Page 2

As required by the Commission's Rules and consistent with its November 7, 2005 Public Notice (the "Public Notice"),³ this Report details Fonix's efforts to provide E911 service to customers in compliance with Rules 9.5(b) and (c) and to satisfy the registered location requirements of Rule 9.5(d). As requested by the Enforcement Bureau in the Public Notice, Fonix states the following:

- 1) **A quantification, on a percentage basis, of the number of subscribers to whom the Company is able to provide 911 service in compliance with the rules established in the *VoIP 911 Order*.**

As of November 28, 2005, Fonix will provide VoIP E911 service in compliance with the rules established in the *VoIP E911 Order* to 100% of its VoIP subscribers.

- 2) **A detailed statement as to whether the Company is transmitting, as specified in Paragraph 42 of the *VoIP 911 Order*, "all 911 calls to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority utilizing the Selective Router, the trunk line(s) between the Selective Router and the PSAP, and such other elements of the Wireline E911 Network as are necessary in those areas where Selective Routers are utilized."**

Based on representations and information from its third-party vendors, Level 3 Communications, Inc. ("Level 3") and US LEC Corp. ("US LEC"), Fonix expects that 100% of VoIP-originated 911 calls from its customers will be transmitted to the appropriate PSAP, designated statewide default answering point, or appropriate local emergency authority utilizing the selective router, the trunk lines between the selective router and the PSAP, and such other elements of the Wireline E911 Network as are necessary in those areas where selective routers are utilized. In addition, Fonix's commercial accounts are specifically tested by a call to the 911 operator with confirmation by the appropriate PSAP.

- 3) **If the Company is not transmitting all 911 calls to the correct answering point in areas where Selective Routers are utilized, a detailed explanation of why not.**

Not applicable; see answer (2).

- 4) **The number of Selective Routers to which the Company has interconnected, directly or indirectly, as of November 28, 2005.**

As explained in response to question 2, Fonix relies on Level 3 and US LEC to provide its VoIP E911 solution. Fonix does not interconnect directly with any selective routers; instead, Level 3 and US LEC provide a complete E911 solution. As of November 28, 2005, Level 3 and

³ *Enforcement Bureau Outlines Requirements of November 28, 2005 Interconnected Voice Over Internet Protocol 911 Compliance Letters*, WC Docket Nos. 04-36 and 05-196, Public Notice, DA 05-2945 (rel. Nov. 7, 2005).

November 28, 2005

Page 3

US LEC have reported to Fonix that they are interconnected to 25 Selective Routers, either directly or indirectly.

- 5) A detailed statement as to whether the Company is transmitting via the Wireline E911 Network the 911 caller's ANI and Registered Location to all answering points that are capable of receiving and processing this information.**

Based upon information provided to it by Level 3 and US LEC, Fonix believes that these vendors are transmitting the E911 caller's ANI and Registered Location to all PSAPs in its coverage areas that are capable of receiving and utilizing location information. In addition, as described in response to question 2, Fonix's commercial accounts are specifically tested by a call to the 911 operator with confirmation by the appropriate PSAP.

- 6) The percentage of how many answering points within the Company's service area are capable of receiving and processing ANI and Registered Location information that the provider transmits.**

Based on the information that it has received from its third-party vendors, Fonix believes that 100% of answering points in Fonix's service area are capable of receiving and processing ANI and Registered Location information transmitted by Fonix.

- 7) The percentage of subscribers whose ANI and Registered Location are being transmitted to answering points that are capable of receiving and processing this information**

Based on the information that it has received from its third-party vendors, Fonix believes that 100% of its subscribers' ANI and Registered Location information are being transmitted to answering points that are callable of receiving and processing this information.

- 8) If the Company is not transmitting the 911 caller's ANI and Registered Location to all answering points that are capable of receiving and processing this information, a detailed explanation why not.**

Not applicable; see answers (5) and (7) above.

- 9) To the extent the Company has not achieved full 911 compliance with the requirements of the *VoIP 911 Order* in all areas of the country by November 28, 2005, the Company should describe in detail, either in narrative form or by map, the areas of the country, on an MSA basis, where it is in full compliance and those in which it is not.**

Not applicable; see answers (2), (5), and (7) above.

November 28, 2005

Page 4

- 10) **If not in full compliance, the Company's plans for coming into full compliance with the requirements of the *Order*, including its anticipated timeframe for such compliance.**

Not applicable; see answers (2), (5), and (7) above.

- 11) **A detailed description of all actions the Company has taken to obtain each existing subscriber's current Registered Location and each new subscriber's initial Registered Location (including, but not limited to, relevant dates and methods of contact with subscribers and a quantification, on a percentage basis, of the number of subscribers from whom the Company has obtained the Registered Location).**

Fonix launched its commercial VoIP service on October 1, 2005. Before commencing service, Fonix implemented processes that require written orders for new customers to include Registered Locations. For its "beta test" customers, Fonix contacted customers by letters and in person seeking written confirmation of Registered Locations before providing its Fonix Fonesm service. Also, for residential customers ordering Fonix VoIP service online, the Company requires that they complete the 911 registration form and acknowledge their understanding and confirm their signature/acceptance of the requirements. As a result of these processes, Fonix has received Registered Location information from 100% of its VoIP customers.

- 12) **A detailed description of the method(s) the Company has offered its subscribers to update their Registered Locations. This information should include a statement as to whether the Company is offering its subscribers at least one option for updating their Registered Location that permits them to use the same equipment that they use to access their interconnected VoIP service.**

Fonix's VoIP subscribers will be able to update their Registered Location information by: (1) Internet on the customer's account webpage, (2) written requests submitted to the Vice President of Regulatory Affairs, (3) call customer service at 888-895-5542, (4) call direct sales representative, or (5) their sales agent. Each of these access points will collect the customer's 911 information and initiate a change order to Fonix's third party vendor to process changing customer 911 information. Upon completion of the change order, the 911 information will be updated and confirmation will be sent to the customer via email and their online account information updated. This is approximately a 72 hour timeframe.

- 13) **A detailed description of any technical solutions the Company is implementing or has implemented to ensure that subscribers have access to 911 service whenever they use their service nomadically.**

Fonix VoIP services offer a feature that allows incoming VoIP calls to be redirected or forwarded to a telephone number that the customer is using temporarily (*i.e.*, a hotel or office telephone). The provider of the telephone service at the remote location is responsible for providing 911 service at that location.

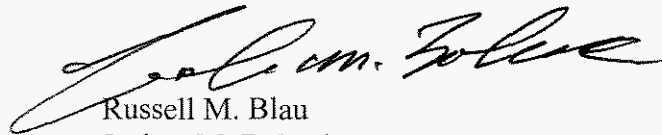
November 28, 2005

Page 5

- 14) **A description of any automatic detection mechanism that enables the Company to identify when a customer may have moved his or her interconnected VoIP service to a new location and ensure that the customer continues to receive 911 service even when using the interconnected VoIP service nomadically.**

Fonix notes that the *VoIP E911 Order* specifically states that there is no requirement that VoIP providers provide an automatic location detection capabilities that allow VoIP providers to identify when a subscriber moves to a new location.⁴ The Fonix switch configuration with session border control allows the Company to detect and identify that a different IP address is being presented by an end user during the registration process. This will occur if an end user has changed location or has been re-assigned a new IP address (dynamic IP assignment frequently occurs for cable modem or DSL users). While this technical capability will not identify a new location, it will enable Fonix to force re-registration. However, Fonix has no plans at this time to implement a forced re-registration.

Respectfully submitted,



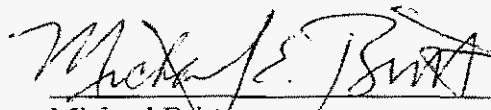
Russell M. Blau
Joshua M. Bobeck

Counsel for Fonix Telecom, Inc.

cc: Byron McCoy (FCC)
Kathy Berthot (FCC)
Janice Myles (FCC)
Best Copy and Printing, Inc.

⁴ See *VoIP E911 Order*, ¶ 46 & n.146.

I, Michael Britt, state that I am Vice President of Regulatory Affairs of Fonix Telecom, Inc.; that I am authorized to submit the forgoing VoIP E911 Compliance Report ("Report") on behalf of Fonix Telecom, Inc.; that the *Report* was prepared under my direction and supervision; and I declare under penalty of perjury that the *Report* is true and correct to the best of my knowledge, information, and belief.

A handwritten signature in dark ink, appearing to read "Michael Britt", is written over a horizontal line.

Name: Michael Britt

Title: Vice President of Regulatory Affairs
Fonix Telecom, Inc.